

REMARKS

By this amendment, claims 1, 5, and 13 and the specification have been amended to correct certain informalities and for clarification. Accordingly, claims 1-16 are currently pending in the application, of which claims 1, 5, 9, and 13 are independent claims.

The above amendments do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Drawing Objection/Amendments to the Drawings

In the Office Action, Figures 1 and 2 were objected to for failing to be labeled as "Prior Art."

Figures 1 and 2 have been amended accordingly, as shown in the attached replacement figure sheets for Figures 1 and 2.

Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

Additionally, replacement figure sheets for Figures 3 and 4 are attached. The replacement figure sheets include the changes, without markings, identified below:

Figure 3 has been amended to delete an extra reference numeral 100.

Figure 4 has been amended to correct the text in blocks S53, S55, and S57.

Rejections Under 35 U.S.C. § 102

Claims 1, 3-5, 7-9, 11-13, 15, and 16 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0112237 applied for by Kelts ("Kelts"). Applicant respectfully traverses this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Kelts fails to disclose every feature of claim 1 (as amended for the sole purpose of clarification and not to avoid the prior art). Claim 1 recites, in relevant part:

a moving image preview processor ... to transmit a moving image preview request for the moving image contents to the contents service server, the moving image preview request including information about a preview image type determined based on the moving image file information, and then to receive a preview image for previewing the moving image contents.

Kelts fails to disclose at least these features. The examiner relies upon Kelts's paragraph [0248] to disclose these features. Specifically, the examiner argues that a "map system request" may be characterized as a "moving image preview request." Office Action, page 3. Applicant disagrees.

Kelts is clear that the navigation map shown in, for example, Kelts's Figs. 1-4, is a graphical map interface to display selectable media items. See, e.g., Kelts, paragraph [0047]. Within the map interface, then, is a region 420 designated "Movies." Kelts, Fig. 4. The movies region 420 may appear "visibly distinct from the remaining map items." Kelts, paragraph [0092]. Further, individual selectable map items corresponding to individual channels or movies are included in the movies region 420. Thus, the map offers a graphical interface whereby map items may be selected by a user, and content corresponding to the selected map item is then presented to the user. Kelts, paragraph [0228].

In the Office Action, the examiner first relies upon the movies in region 420 and shown in Kelts's Fig. 4 to disclose the "moving image contents" of claim 1. Office Action, page 2. The examiner then deviates, however, from this characterization when looking to the map system request. Specifically, the map system request is associated an entire navigation map, which is requested via URL. See Kelts, paragraph [0248]; see also Kelts paragraphs [0120] to [0124]. Thus, when a map system request is received at a map server, the data transmitted is not a preview of a movie listed in movie region 420 (which the examiner relies upon to disclose the "moving image contents" of claim 1), but rather "at least a portion of the" navigation map itself. Kelts, paragraph [0248]. Thus, the map system request is not sent to request a preview of a movie, but to receive the navigational map that the user will see on the device.

Thus, the map system request fails to disclose "a moving image preview request for the moving image contents ..., the moving image preview request including information about a preview image type determined based on the moving image file information."

Further, although Kelts's paragraph [0095] describes preview area 412 as able to display "the content currently associated with the selectable map item," this general statement also fails to disclose the above-recited features of claim 1. Specifically, this general statement fails to disclose "a moving image preview request for the moving image contents to the contents service server, the moving image preview request including information about a preview image type determined based on the moving image file information."

For at least these reasons, Kelts fails to disclose every feature of claim 1.

Moreover, for at least these same reasons, Kelts also fails to disclose every feature of independent claims 5, 9, and 13.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 5, 9, and 13. Claims depend from these claims are allowable at least for

their dependence. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 5, 9, and 13, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103/Dependent Claims

Claims 2, 6, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelts in view of U.S. Patent Application Publication No. 2004/0125148 applied for by Pea, *et al.* ("Pea"). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claims 1, 5, 9, and 13 are allowable over Kelts alone, and Pea fails to cure the deficiencies noted above with regard to Kelts. Hence, claims 2, 6, 10 and 14 are allowable at least for their dependence from allowable base claims.

Further, without disclaiming the independent patentability of any other dependent claims, Applicant traverses the rejection of claims 2, 6, 10 and 14 on the basis of Kelts in view of Pea.

In the Office Action, the examiner concedes that Kelts fails to disclose "moving image file information [that] includes a size or a compression ratio of the moving image contents," and so looks to Pea to remedy this shortcoming of Kelts. Office Action, page 5.

Then, citing to Pea's paragraph [0118] to remedy the shortcoming of Kelts, the examiner concludes that claims 2, 6, 10, and 14 would have been obvious. But Pea's paragraph [0118] merely discloses that compression algorithms are evaluated for commercial success based on certain factors, and that any "new compression algorithm should be evaluated with regards to fundamental design parameters—compression ratio, file size, transmission times...."

In proper context, the claims rejected under Kelts in view of Pea do not merely list parameters of compression. Rather, claim 2 (read in the context of claim 1) recites in relevant part:

[from claim 1, a moving image preview processor to receive moving image file information for the moving image contents from the contents service server,]

wherein the moving image file information includes a size or a compression ratio of the moving image contents.

Thus, claim 2 further describes the information received at the moving image preview processor. For a proper obviousness rejection of claim 2, it is not sufficient for the examiner to merely identify design parameters of compression algorithms. Rather, the analysis must at least indicate why it would have been obvious for those design parameters listed in Pea to be received at a moving image preview processor from the contents service server. Simply because the design parameters exist does not make it obvious to include these design parameters in the "information" recited in claim 1. The examiner has not set forth this requisite analysis.

For at least this reason, the rejection of claims 2, 6, 10 and 14 on the basis of Kelts and Pea must be withdrawn.

Other Matters

As mentioned above, claims 1, 5, and 13, and various paragraphs of the specification have been amended solely for the purposes of informality correction, better wording and clarification. These amendments are not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore, Applicant does not intend to relinquish any subject matter by these amendments.

CONCLUSION

A full and complete response has been made to the pending Office Action and all of the stated objections and grounds for rejection have been overcome or rendered moot.

Accordingly, all pending claims are allowable and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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